

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)

Applicant(s): Frank H. Levinson et al.

Docket No.

15436.253.26.1

Application No.
10/003,959Filing Date
November 14, 2003

Examiner

Phuongchau Ba Nguyen

Customer No.
022913Group Art Unit
2665Invention: **OPTOELECTRONIC DEVICE CAPABLE OF PARTICIPATING IN IN-BAND TRAFFIC**

I hereby certify that the following correspondence:

Issue Fee Transmittal Letter (1 pg. in duplicate); PTOL-85B Issue Fee Transmittal (1pg. in duplicate); Change of Correspondence Address (1 pg.); Comments on Examiner's Statement of Reasons for Allowance (1 pg.); Amendment After Allowance (8 pgs.); PTO-2038 Credit Card Form in the amount of \$1,703.00 (1 pg.); postcard; and Certificate of Express Mailing Label No. EV 657 810 072 US*(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

July 22, 2005*(Date)***Mandy Lomeli***(Typed or Printed Name of Person Mailing Correspondence)**(Signature of Person Mailing Correspondence)*EV 657 810 072 US*("Express Mail" Mailing Label Number)***Note: Each paper must have its own certificate of mailing.**



PATENT APPLICATION
Docket No: 15436.253.26.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Frank H. Levinson et al.

Serial No: 10/003,959) Art Unit

) 2665

Filed: November 14, 2001)

For: OPTOELECTRONIC DEVICE CAPABLE OF
PARTICIPATING IN IN-BAND TRAFFIC)

Examiner: Phuongchau Ba Nguyen)

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant respectfully disagrees with the Examiner's statement of reasons for allowance as set forth in the communications mailed on April 25, 2005. The Applicant concurs with the Examiner's conclusion that the prior art does not suggest or render obvious the claimed invention. However, Applicant submits that it is the claim as a whole, rather than any particular limitation, that makes each of the claims in the above-identified application allowable. No single limitation should be construed as the reason for allowance of a claim because it is each of the elements of the claim that distinguish the claim from the prior art and make it allowable.

Respectfully submitted,

Dated: July 22, 2005

By:

ERIC L. MASCHOFF
Attorney for Applicant
Registration No. 36,596
Customer No. 022913